

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**CHARLES H. BROWN D/B/A
SHOWCASE LOUNGE**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 4:06CV103-P-B

**THE TOWN OF VAIDEN, MISSISSIPPI,
ET AL**

DEFENDANTS

ORDER

This cause is before the Court on the motion of defendants Vance, Andrews, Turbeville Welch, Cunningham, Vorhees, Meeks and Fluker for qualified immunity [26-1], and on a similar motion filed by defendants Redditt and Spellman [29-1]. The Court, having considered the motions, the responses, the briefs of the parties and the authorities cited, finds as follows, to-wit:

In accordance with the Memorandum Opinion entered this day, the Court finds that the defendants' motions should be granted in part and denied in part.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the motion of defendants Vance, Andrews, Turbeville Welch, Cunningham, Vorhees, Meeks and Fluker for qualified immunity [26-1] should be, and hereby is, GRANTED IN PART and DENIED IN PART. IT IS FURTHER ORDERED that defendants Vance, Andrews, Welch, Cunningham, Vorhees, Meeks and Fluker are hereby DISMISSED WITH PREJUDICE as party defendants. IT IS FURTHER ORDERED that the defendants Redditt and Spellman's Motion for Summary Judgment Based on Qualified Immunity [29-1] is well-taken and should be, and hereby is, GRANTED. IT IS FURTHER ORDERED that defendants Redditt and Spellman are hereby DISMISSED WITH PREJUDICE as party defendants.

IT IS FURTHER ORDERED that the stay imposed by the Magistrate on August 21, 2006 is hereby LIFTED. IT IS FURTHER ORDERED that the parties are to contact the assigned magistrate judge regarding the entry of an appropriate scheduling order within ten (10) days of the entry of this Order.

This, the 29th day of March, 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE